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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

VINCENT LEWIS,)	
)	
Plaintiff,)	
)	Case No.
vs.)	
)	JURY DEMANDED
ACCOUNT DISCOVERY)	
SYSTEMS, LLC)	
)	
Defendant.)	

COMPLAINT

JURISDICTION

1. The jurisdiction of this Court attains pursuant to the FDCPA, 15 U.S.C. § 1692k(d), 28 U.S.C. § 1331, 28 U.S.C. § 1332, and the doctrine of supplemental jurisdiction. Venue lies in the Southern Division of the Judicial District of Nevada as Plaintiff's claims arose from acts of the Defendant(s) perpetrated therein.

PRELIMINARY STATEMENT

2. This action is instituted in accordance with and to remedy Defendant's violations of the Federal Fair Debt Collection Practices Act, 15 U.S.C § 1692 et seq. (hereinafter "FDCPA"), and of related state law obligations brought as supplemental claims hereto.

1 3. In 2014, Defendant initiated a campaign of abusive,
2 unfair, unreasonable, and unlawful debt collection activity
3 directed against Plaintiff in Henderson, Nevada.

4 4. As a result of these and other violations of law,
5 Plaintiff seeks hereby to recover actual and statutory damages
6 together with reasonable attorney's fees and costs.

7
8 PARTIES

9 5. Plaintiff, Vincent Lewis, is a natural person who
10 resides in Henderson, Nevada, and is a "consumer" as defined by
11 15 U.S.C. Section 1692a(3) and allegedly owes a "debt" as
12 defined by 15 U.S.C. Section 1692a(5).

13 6. Defendant, Account Discovery Systems, LLC, is a
14 foreign limited-liability company, the principal purpose of
15 whose business is the collection of debts, operating a debt
16 collection agency from its principal place of business in
17 Amherst, NY, and regularly collects or attempts to collect debts
18 owed or due or asserted to be owed or due another, and is a
19 "debt collector" as defined by 15 U.S.C. Section 1692a(6).

20
21 FACTUAL ALLEGATIONS

22 7. Plaintiff(s) repeat, reallege and assert all factual
23 allegations contained in the preliminary statement to this
24 Complaint and reassert them as incorporated in full herein.

25 8. On or about May 16, 2014 Plaintiff was contacted by
26 his sister who referred a call from the Defendant.

27 9. On or about May 19, 2014 Plaintiff called Defendant
28 and spoke with its collector, Ben.

1 10. The May 19th call was Plaintiff's initial
2 communication with the Defendant.

3 11. During that call Ben referenced both a lawsuit and
4 garnishment as consequences if Plaintiff failed to make an
5 immediate \$500 payment towards his Citibank account.

6 12. Plaintiff lives paycheck to paycheck.

7 13. Plaintiff provides child support for his seven-year-
8 old daughter.

9 14. Plaintiff was scared he would be unable to survive if
10 his wages were indeed garnished.

11 15. As a result Plaintiff paid the \$500.

12 16. Defendant's threats of legal action and garnishment
13 and corresponding demand for immediate payment were in violation
14 of FDCPA § 1692g(a), *Terran v Kaplan*, 109 F.3d 1428, 1434 (9th
15 Cir. 1997).

16 17. Defendant's threat of litigation also violated FDCPA §
17 1692e(5), *Kuhn v. Account Control Technology, Inc.*, 865 F. Supp.
18 1443, 1450-51 (D. Nev. 1994).

19 18. Plaintiff requested documentation of the underlying
20 debt.

21 19. In making this request Plaintiff provided his current
22 address as he did not want any correspondence sent to his former
23 address (which was the address listed on the Citibank account).

24 20. Plaintiff's ex-wife and seven-year-old daughter live
25 at his former address.

26 21. Notwithstanding, Defendant sent its dun to Plaintiff's
27 former address (Exhibit 1).

28

1 22. Plaintiff's ex-wife opened the envelope upon receipt.

2 23. Plaintiff was embarrassed and very angry when his ex-
3 wife saw Exhibit 1 and learned of Defendant's collection
4 campaign.

5 24. Defendant sent Exhibit 1 to Plaintiff's ex-wife in
6 violation of FDCPA § 1692c(b).

7 25. In Exhibit 1 Defendant failed to provide the required
8 FDCPA § 1692g(a) notice.

9 26. On Thursday, June 12, 2014 Plaintiff was again
10 contacted by Ben who demanded payment.

11 27. However, earlier that same week, Plaintiff had
12 provided Defendant his attorney's name and telephone number.

13 28. Defendant's June 12, 2014 contact was in violation of
14 FDCPA § 1692c(a)(2), *Kuhn v. Account Control Technology, Inc.*,
15 865 F. Supp. 1443, 1453 (D. Nev. 1994).

16 29. The foregoing acts and omissions of Defendant were
17 undertaken by it willfully, maliciously, and intentionally,
18 knowingly, and/or in gross or reckless disregard of the rights
19 of Plaintiff.

20 30. Indeed, the foregoing acts and omissions of Defendant
21 were undertaken by it indiscriminately and persistently, as part
22 of its regular and routine debt collection efforts, and without
23 regard to or consideration of the identity or rights of
24 Plaintiff.

25 31. As a proximate result of the foregoing acts and
26 omissions of Defendant, Plaintiff has suffered actual damages
27 and injury, including, but not limited to, stress, humiliation,
28 mental anguish and suffering, and emotional distress, for which

1 Plaintiff should be compensated in an amount to be proven at
2 trial.

3 32. As a result of the foregoing acts and omissions of
4 Defendant, and in order to punish Defendant for its outrageous
5 and malicious conduct, as well as to deter it from committing
6 similar acts in the future as part of its debt collection
7 efforts, Plaintiff is entitled to recover punitive damages in an
8 amount to be proven at trial.

9
10 CAUSES OF ACTION

11 COUNT I

12 33. The foregoing acts and omissions of Defendant
13 constitute violations of the FDCPA, including, but not limited
14 to, Sections 1692c, 1692d, 1692e, 1692f and 1692g.

15 34. Plaintiff is entitled to recover statutory damages,
16 actual damages, reasonable attorney's fees, and costs.

17
18 COUNT II

19 35. The foregoing acts and omissions constitute
20 unreasonable debt collection practices in violation of the
21 doctrine of Invasion of Privacy. Kuhn v. Account Control
22 Technology, Inc., 865 F. Supp. 1443, 1448-49 (D. Nev. 1994);
23 Pittman v. J. J. Mac Intyre Co. of Nevada, Inc., 969 F. Supp.
24 609, 613-14 (D. of Nev. 1997).

25 36. Plaintiff is entitled to recover actual damages as
26 well as punitive damages in an amount to be proven at trial.

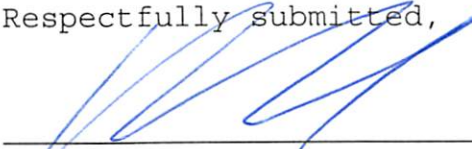
JURY DEMANDED

Plaintiff hereby demands trial by a jury on all issues so triable.

WHEREFORE, Plaintiff prays that this Honorable Court grant the following relief:

1. Award actual damages.
2. Award punitive damages.
3. Award statutory damages of \$1,000 pursuant to 15 U.S.C. § 1692k.
4. Award reasonable attorney fees.
5. Award costs.
6. Grant such other and further relief as it deems just and proper.

Respectfully submitted,



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ADS

Account Discovery Systems, LLC

Date	05/23/2014
Balance	\$ 4,841.45
Current Creditor	Cascade Capital LLC
Current Creditor Acct#	2941663
Original Creditor	CITIBANK, NA
Original Creditor Acct#	5424180600452442

ADIS/PDC 708000206654 909/0000455/4



Vincent E. Lewis
2812 Capistrano Ave
Las Vegas, NV 89121-2108



455

▼ SEND TO: ▼



Account Discovery Systems, LLC

P.O. Box 606

Amherst, NY 14226-0606

Pay online at www.Accountdiscoverysystems.com



VISA

Payment Processed By: PaymentManagementServices

☐ Check here if your address or phone number has changed. Please indicate changes on the back of this page, and return in enclosed envelope.

▲ ***PLEASE DETACH THIS PORTION AND RETURN WITH PAYMENT*** ▲

▼ *** PLEASE RETAIN THIS PORTION FOR YOUR RECORDS *** ▼

Payment Plan Reminder

Dear Vincent E. Lewis,

This notice is to remind you of the payment or draft to be posted to the above account

This payment in the amount of \$ 260.00 plus processing fee will be posted on 05/30/2014 as previously agreed.

Please call this office at (866) 412-2734 within 48 hours if there are any changes to this arrangement.

Thank you for your payment.

This communication is a from a debt collector. We are attempting to collect a debt and any information obtained will be used for that purpose.

PLEASE SEE ADDITIONAL NOTICES AND DISCLOSURES ON THE REVERSE SIDE OF THIS LETTER.

www.payadslc.com

Monday - Thursday from 8:00AM - 7:00PM
Friday from 8:00AM - 4:30PM Eastern Time